

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAZZ PHARMACEUTICALS, INC.,

Plaintiff,

v.

AVADEL CNS PHARMACEUTICALS, LLC,

Defendant.

C.A. No. 21-691-GBW

JAZZ PHARMACEUTICALS, INC. and
JAZZ PHARMACEUTICALS IRELAND
LIMITED,

Plaintiffs,

v.

AVADEL CNS PHARMACEUTICALS, LLC,

Defendant.

C.A. No. 21-1138-GBW

JAZZ PHARMACEUTICALS, INC. and
JAZZ PHARMACEUTICALS IRELAND
LIMITED,

Plaintiffs,

v.

AVADEL CNS PHARMACEUTICALS, LLC,

Defendant.

C.A. No. 21-1594-GBW

VERDICT FORM

Instructions: When answering the following questions and completing this Verdict Form, please follow the instructions provided and follow the Jury Instructions that you have been given. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

As used herein:

1. “Jazz” collectively refers to Plaintiffs Jazz Pharmaceuticals, Inc. and Jazz Pharmaceuticals Ireland Limited.
2. “Avadel” refers to Defendant Avadel CNS Pharmaceuticals, LLC.
3. The “’488 Patent” refers to U.S. Patent No. 10,758,488.
4. The “’782 Patent” refers to U.S. Patent No. 11,147,782.
5. The “Asserted Patents” or the “Patents-in-Suit” refers collectively to the ’488 Patent and the ’782 Patent.

We, the jury, unanimously find as follows.

QUESTION NO 1:

Did Jazz prove by a preponderance of the evidence that Avadel’s LUMRYZ product infringes any of the following claims of the ’488 Patent?

If you find Jazz proved by a preponderance of the evidence that LUMRYZ infringes a claim, place a check mark next to “Yes” for that claim.

'488 Patent			
Claim 7	Yes _____	(for Jazz)	No _____ (for Avadel)
Claim 11	Yes _____	(for Jazz)	No _____ (for Avadel)

QUESTION NO 2:

For each claim of the '488 Patent listed below, did Avadel prove by clear and convincing evidence that the claim is invalid for lack of sufficient written description?

If you find a claim invalid for lack of written description, answer “Yes,” otherwise, answer “No.”

'488 Patent		
Claim 7	Yes _____ (for Avadel)	No _____ (for Jazz)
Claim 11	Yes _____ (for Avadel)	No _____ (for Jazz)

QUESTION NO 3:

For each claim of the '488 Patent listed below, did Avadel prove by clear and convincing evidence that the claim is invalid for lack of enablement?

If you find a claim invalid for lack of enablement, answer “Yes,” otherwise, answer “No.”

'488 Patent			
Claim 7	Yes _____	(for Avadel)	No _____ (for Jazz)
Claim 11	Yes _____	(for Avadel)	No _____ (for Jazz)

QUESTION NO 4:

For each claim of the '488 Patent listed below, did Avadel prove by clear and convincing evidence that the patent is invalid for failure to name the correct inventors?

If you find the patent invalid for failure to name the correct inventors, answer “Yes,” otherwise, answer “No.”

'488 Patent		
Claim 7	Yes _____ (for Avadel)	No _____ (for Jazz)
Claim 11	Yes _____ (for Avadel)	No _____ (for Jazz)

QUESTION NO 5:

Did Avadel prove by clear and convincing evidence that the '488 patent is invalid because it is derived from someone other than the presently named inventors?

If you find the patent invalid because it is derived from someone other than the presently named inventors, answer “Yes,” otherwise, answer “No.”

'488 Patent:	Yes _____ (for Avadel)	No _____ (for Jazz)
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QUESTION NO 6:

For each claim of the '782 Patent listed below, did Avadel prove by clear and convincing evidence that the claim is invalid for lack of sufficient written description?

If you find a claim invalid for lack of written description, answer “Yes,” otherwise, answer “No.”

'782 Patent		
Claim 24	Yes _____ (for Avadel)	No _____ (for Jazz)

QUESTION NO 7:

For each claim of the '782 Patent listed below, did Avadel prove by clear and convincing evidence that the claim is invalid for lack of enablement?

If you find a claim invalid for lack of enablement, answer “Yes,” otherwise, answer “No.”

'782 Patent		
Claim 24	Yes _____ (for Avadel)	No _____ (for Jazz)

QUESTION NO 8:

For each claim of the '782 Patent listed below, did Avadel prove by clear and convincing evidence that the patent is invalid for failure to name the correct inventors?

'782 Patent		
Claim 24	Yes _____ (for Avadel)	No _____ (for Jazz)

THE JURY IS NOT BEING ASKED TO DECIDE IF CLAIM 24 OF THE '782 PATENT PATENT IS INFRINGED. INFRINGEMENT OF CLAIM 24 THE '782 PATENT HAS BEEN STIPULATED TO BY THE PARTIES.

ANSWER QUESTION NINE ONLY IF THERE IS A CLAIM OF AN ASSERTED PATENT THAT IS BOTH INFRINGED AND NOT INVALID.

QUESTION NO. 9.

What is the reasonable royalty to which Jazz is entitled for Avadel's past infringement?

Royalty Rate: _____ %

Amount of Past Sales to Apply Royalty Rate: \$ _____

Total Amount for Past Infringement Based on Royalty Rate: \$ _____

(Royalty Rate x Amount of Past Sales = Total Amount for Past Infringement Based on Royalty Rate)

* * *

Please proceed to the last page, sign and date the verdict form, and return it to the court clerk.

UNANIMOUS VERDICT

UPON REACHING A UNANIMOUS VERDICT ON EACH QUESTION ABOVE,
EACH JUROR MUST SIGN BELOW.

We, the jury, unanimously agree to the answers to the above questions and return them
under the instructions of this Court as our verdict in this case.

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Dated: _____